

SURFACE RIGHTS BOARD  
AND  
LAND COMPENSATION BOARD

ANNUAL REPORT

2003

**ANNUAL REPORT - 2003****LAND COMPENSATION BOARD & SURFACE RIGHTS BOARD**

Enclosed herewith are the statements indicating the activity of the Boards during the year 2003. The full-time membership of the Boards decreased to 3 in 2003 with Mr. Fred Weber leaving in the fall. Mr. Les Miller, a part-time Member left as of December 31, 2003 and Mr. J. E. Logan was appointed as one of our Vice-Chairs on September 1, 2003. During the year, the Surface Rights Board issued 162 Decisions, which is lower than last year due to the Board now issuing the consent compensation order simultaneously to the right of entry order instead of holding a hearing for each consent compensation file as in past years. The Surface Rights Board issued 2,228 orders. The number of orders issued is slightly lower due to the Board having two Administrative Support employees on maternity leave for most of the year.

The Boards' full-time membership now consists of:

Chair: S. S. Schumacher, Q.C.  
Vice-Chair: W. D. Fisher  
Vice-Chair: J. E. Logan

for both the Surface Rights Board and Land Compensation Board.

The part-time membership for the Surface Rights Board consists of:

Dale Clark  
Don Clarke  
Clifford Downey  
David McDonald  
Ron Pollock  
Hervy R. Watson

The Land Compensation Board's full-time membership now consists of:

Chair: S. S. Schumacher, Q.C.  
Vice-Chair: W. D. Fisher  
Vice-Chair: J. E. Logan  
Member: M. A. McAvoy

The Land Compensation Board's part-time membership now consists of:

Rod Nelson  
Ernest Stevens  
John Mah, Q.C.  
Lorne Wildeman

The Surface Rights Board is pleased to report that the Decision Website will be up and running by April, 2004.

The rental recovery program administered under the Surface Rights Act continues to decrease in costs to the taxpayers. In 2003 the cost to the taxpayers fell by \$146,702.56.

The Public Lands Act has been amended to allow the Surface Rights Board to file applications, issue right of entry orders and determine the compensation payable for seismic testing. The Board filed its first application on December 17, 2003, but it was settled between the parties prior to the Board having to issue a right of entry order.

This office will continue to play an important role of providing information to interested parties drawn from its 57 years of experience in resolving compensation disputes between surface and mineral owners.

Respectfully submitted on behalf of the Boards.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Stanley S. Schumacher', written in a cursive style.

Stanley S. Schumacher, Q.C.  
Chairman

## STATEMENT 1

## SURFACE RIGHTS BOARD

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SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT  
FOR RIGHT OF ENTRY FOR OIL AND GAS  
DEALT WITH IN 2003

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|                                        | <u>CROWN</u> | <u>PRIVATE</u> | <u>TOTAL</u> |
|----------------------------------------|--------------|----------------|--------------|
| APPLICATIONS:                          |              |                |              |
| Carried over from previous year .....  | 3            | 8              | 11           |
| Received during the year .....         | <u>13</u>    | <u>42</u>      | <u>55</u>    |
|                                        | <u>16</u>    | <u>50</u>      | <u>66</u>    |
| APPLICATIONS DISPOSED OF:              |              |                |              |
| Right of Entry granted                 |              |                |              |
| - compensation determined .....        | 6            | 33             | 39           |
| - settled independently of Board ..... | 1            | 4              | 5            |
| No Right of Entry granted              |              |                |              |
| - application withdrawn .....          | 0            | 2              | 2            |
| - settled privately .....              | <u>0</u>     | <u>4</u>       | <u>4</u>     |
|                                        | <u>7</u>     | <u>43</u>      | <u>50</u>    |
| APPLICATIONS OUTSTANDING:              | 9            | 7              | 16           |

## SURFACE RIGHTS BOARD

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SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT  
FOR RIGHT OF ENTRY FOR PIPELINES  
DEALT WITH IN 2003

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|                                        | <u>CROWN</u> | <u>PRIVATE</u> | <u>TOTAL</u> |
|----------------------------------------|--------------|----------------|--------------|
| APPLICATIONS:                          |              |                |              |
| Carried over from previous year .....  | 0            | 32             | 32           |
| Received during the year .....         | <u>9</u>     | <u>141</u>     | <u>150</u>   |
|                                        | 9            | <u>173</u>     | <u>182</u>   |
| APPLICATIONS DISPOSED OF:              |              |                |              |
| Right of Entry granted                 |              |                |              |
| - compensation determined .....        | 1            | 122            | 123          |
| - settled independently of Board ..... | 0            | 2              | 2            |
| No Right of Entry granted              |              |                |              |
| - application withdrawn .....          | 1            | 2              | 3            |
| - settled privately .....              | <u>0</u>     | <u>1</u>       | <u>1</u>     |
|                                        | <u>2</u>     | <u>127</u>     | <u>129</u>   |
| APPLICATIONS OUTSTANDING:              | 7            | 46             | 53           |

## SURFACE RIGHTS BOARD

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SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT  
FOR RIGHT OF ENTRY FOR POWER TRANSMISSION LINES  
DEALT WITH IN 2003

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|                                       | <u>CROWN</u> | <u>PRIVATE</u> | <u>TOTAL</u> |
|---------------------------------------|--------------|----------------|--------------|
| APPLICATIONS:                         |              |                |              |
| Carried over from previous year.....  | 0            | 0              | 0            |
| Received during the year.....         | <u>0</u>     | <u>0</u>       | <u>0</u>     |
|                                       | <u>0</u>     | <u>0</u>       | <u>0</u>     |
| APPLICATIONS DISPOSED OF:             |              |                |              |
| Right of Entry granted                |              |                |              |
| - compensation determined.....        | 0            | 0              | 0            |
| - settled independently of Board..... | 0            | 0              | 0            |
| No Right of Entry granted             |              |                |              |
| - application withdrawn.....          | 0            | 0              | 0            |
| - settled privately.....              | <u>0</u>     | <u>0</u>       | <u>0</u>     |
|                                       | <u>0</u>     | <u>0</u>       | <u>0</u>     |
| APPLICATIONS OUTSTANDING:             | 0            | 0              | 0            |

## SURFACE RIGHTS BOARD

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SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT  
FOR RIGHT OF ENTRY FOR SEISMIC TESTING  
DEALT WITH IN 2003

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TOTAL

## APPLICATIONS:

|                                       |          |
|---------------------------------------|----------|
| Carried over from previous year ..... | 0        |
| Received during the year .....        | <u>1</u> |
|                                       | <u>1</u> |

## APPLICATIONS DISPOSED OF:

## Right of Entry granted

|                                        |   |
|----------------------------------------|---|
| - compensation determined .....        | 0 |
| - settled independently of Board ..... | 0 |

## No Right of Entry granted

|                               |          |
|-------------------------------|----------|
| - application withdrawn ..... | 0        |
| - settled privately .....     | <u>0</u> |
|                               | <u>0</u> |

|                           |   |
|---------------------------|---|
| APPLICATIONS OUTSTANDING: | 1 |
|---------------------------|---|

## SURFACE RIGHTS BOARD

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SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT  
FOR ALL APPLICATIONS FOR RIGHT OF ENTRY  
DEALT WITH IN 2003

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|                                        | <u>CROWN</u> | <u>PRIVATE</u> | <u>TOTAL</u> |
|----------------------------------------|--------------|----------------|--------------|
| APPLICATIONS:                          |              |                |              |
| Carried over from previous year .....  | 3            | 40             | 43           |
| Received during the year .....         | <u>23</u>    | <u>183</u>     | <u>206</u>   |
|                                        | <u>26</u>    | <u>223</u>     | <u>249</u>   |
| APPLICATIONS DISPOSED OF:              |              |                |              |
| Right of Entry granted                 |              |                |              |
| - compensation determined .....        | 7            | 155            | 162          |
| - settled independently of Board ..... | 1            | 6              | 7            |
| No Right of Entry granted              |              |                |              |
| - application withdrawn .....          | 1            | 4              | 5            |
| - settled privately .....              | <u>0</u>     | <u>5</u>       | <u>5</u>     |
|                                        | <u>9</u>     | <u>170</u>     | <u>179</u>   |
| APPLICATIONS OUTSTANDING:              | 17           | 53             | 70           |

## SURFACE RIGHTS BOARD

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SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT  
FOR TERMINATION OF RIGHT OF ENTRY IN FULL  
DEALT WITH IN 2003

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## APPLICATIONS RECEIVED:

|                                       |           |
|---------------------------------------|-----------|
| Carried over from previous year ..... | 6         |
| Received during the year .....        | 67        |
|                                       | <u>73</u> |

## APPLICATIONS DISPOSED OF:

|                                         |           |
|-----------------------------------------|-----------|
| Request for termination granted .....   | 73        |
| Request for termination withdrawn ..... | <u>0</u>  |
|                                         | <u>73</u> |

|                           |   |
|---------------------------|---|
| APPLICATIONS OUTSTANDING: | 0 |
|---------------------------|---|

## SURFACE RIGHTS BOARD

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SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT  
FOR TERMINATION IN PART OF RIGHT OF ENTRY  
DEALT WITH IN 2003

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## APPLICATIONS RECEIVED:

|                                       |          |
|---------------------------------------|----------|
| Carried over from previous year ..... | 2        |
| Received during the year .....        | <u>4</u> |
|                                       | <u>6</u> |

## APPLICATIONS DISPOSED OF:

|                                         |          |
|-----------------------------------------|----------|
| Request for termination granted .....   | 6        |
| Request for termination withdrawn ..... | <u>0</u> |
|                                         | <u>6</u> |

|                           |   |
|---------------------------|---|
| APPLICATIONS OUTSTANDING: | 0 |
|---------------------------|---|

## SURFACE RIGHTS BOARD

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SUMMARY OF RATE OF COMPENSATION REVIEWS  
PURSUANT TO SECTION 27 OF THE SURFACE RIGHTS ACT  
DEALT WITH IN 2003

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## APPLICATIONS RECEIVED:

|                                      |            |
|--------------------------------------|------------|
| Carried over from previous year..... | 23         |
| Received during the year.....        | <u>119</u> |
|                                      | <u>142</u> |

## APPLICATIONS DISPOSED OF:

|                                        |            |
|----------------------------------------|------------|
| Heard and compensation determined..... | 102        |
| Settled independently of Board .....   | 21         |
| Withdrawn.....                         | 1          |
| Rejected - lack of jurisdiction.....   | <u>0</u>   |
|                                        | <u>124</u> |

|                           |    |
|---------------------------|----|
| APPLICATIONS OUTSTANDING: | 18 |
|---------------------------|----|

## SURFACE RIGHTS BOARD

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SUMMARY OF SETTLEMENTS OF DISPUTES  
PURSUANT TO SECTION 30 OF THE SURFACE RIGHTS ACT  
DEALT WITH IN 2003

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## APPLICATIONS RECEIVED:

|                                       |           |
|---------------------------------------|-----------|
| Carried over from previous year ..... | 12        |
| Received during the year .....        | <u>17</u> |
|                                       | <u>29</u> |

## APPLICATIONS DISPOSED OF:

|                                         |           |
|-----------------------------------------|-----------|
| Heard and compensation determined ..... | 9         |
| Settled independently of Board .....    | 11        |
| Withdrawn .....                         | 0         |
| Rejected - lack of jurisdiction .....   | <u>0</u>  |
|                                         | <u>20</u> |

|                           |   |
|---------------------------|---|
| APPLICATIONS OUTSTANDING: | 9 |
|---------------------------|---|

SURFACE RIGHTS BOARD

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SUMMARY OF ALL APPLICATIONS FOR RECOVERY OF RENTAL  
PURSUANT TO SECTION 36 OF THE SURFACE RIGHTS ACT  
DEALT WITH IN 2003

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APPLICATIONS RECEIVED: 413

APPLICATIONS DISPOSED OF:

Paid by Provincial Treasurer 351

Paid by Operator 34

Discontinued/Settled 4

## SURFACE RIGHTS BOARD

## SUMMARY OF BOARD HEARINGS DURING 2003

| No. of Hearings Scheduled               |     |     |     |     |      |      |     |      |     |     |     |        |  |
|-----------------------------------------|-----|-----|-----|-----|------|------|-----|------|-----|-----|-----|--------|--|
| Jan                                     | Feb | Mar | Apr | May | June | July | Aug | Sept | Oct | Nov | Dec | TOTALS |  |
| 13                                      | 7   | 11  | 8   | 11  | 11   | 8    | 6   | 7    | 9   | 8   | 5   | 104    |  |
| Rescheduled                             |     |     |     |     |      |      |     |      |     |     |     |        |  |
| 3                                       | 1   | 1   | 1   | 2   | 2    | 2    | 1   | 3    | 2   | 0   | 0   |        |  |
| Settled                                 |     |     |     |     |      |      |     |      |     |     |     |        |  |
| 3                                       | 0   | 6   | 5   | 1   | 1    | 2    | 3   | 3    | 3   | 5   | 1   |        |  |
| Adjourned                               |     |     |     |     |      |      |     |      |     |     |     |        |  |
| 1                                       | 0   | 0   | 0   | 0   | 0    | 0    | 0   | 0    | 1   | 1   | 0   |        |  |
| Postponed                               |     |     |     |     |      |      |     |      |     |     |     |        |  |
| 0                                       | 1   | 1   | 0   | 0   | 0    | 0    | 0   | 0    | 0   | 0   | 0   |        |  |
| Withdrawn                               |     |     |     |     |      |      |     |      |     |     |     |        |  |
| 0                                       | 0   | 0   | 0   | 0   | 0    | 0    | 0   | 0    | 0   | 0   | 0   |        |  |
| No. of Hearings Completed               |     |     |     |     |      |      |     |      |     |     |     |        |  |
| 6                                       | 5   | 3   | 2   | 8   | 8    | 4    | 2   | 1    | 3   | 2   | 4   | 48     |  |
| No. of Applications Heard and Completed |     |     |     |     |      |      |     |      |     |     |     |        |  |
| Mineral Recovery                        |     |     |     |     |      |      |     |      |     |     |     |        |  |
| 1                                       | 0   | 0   | 0   | 2   | 3    | 3    | 0   | 0    | 3   | 2   | 2   | 16     |  |
| Pipelines                               |     |     |     |     |      |      |     |      |     |     |     |        |  |
| 2                                       | 0   | 3   | 0   | 0   | 0    | 0    | 0   | 0    | 0   | 0   | 0   | 5      |  |
| Power Transmission Lines                |     |     |     |     |      |      |     |      |     |     |     |        |  |
| Objections                              |     |     |     |     |      |      |     |      |     |     |     |        |  |
| 0                                       | 0   | 0   | 0   | 0   | 0    | 0    | 0   | 0    | 0   | 0   | 0   | 0      |  |
| Damages                                 |     |     |     |     |      |      |     |      |     |     |     |        |  |
| 0                                       | 2   | 0   | 0   | 6   | 0    | 0    | 0   | 0    | 0   | 0   | 0   | 8      |  |
| Reviews                                 |     |     |     |     |      |      |     |      |     |     |     |        |  |
| 7                                       | 2   | 1   | 10  | 4   | 67   | 4    | 2   | 0    | 2   | 0   | 3   | 102    |  |
| Costs                                   |     |     |     |     |      |      |     |      |     |     |     |        |  |
| 0                                       | 0   | 0   | 0   | 1   | 0    | 0    | 0   | 0    | 0   | 0   | 0   | 1      |  |
| Inquiries                               |     |     |     |     |      |      |     |      |     |     |     |        |  |
| 0                                       | 0   | 0   | 0   | 1   | 2    | 0    | 0   | 1    | 0   | 0   | 0   | 4      |  |
| Coal Mines                              |     |     |     |     |      |      |     |      |     |     |     |        |  |
| 0                                       | 0   | 0   | 0   | 0   | 0    | 0    | 0   | 0    | 0   | 0   | 0   | 0      |  |
| Expropriation                           |     |     |     |     |      |      |     |      |     |     |     |        |  |
| 0                                       | 0   | 0   | 0   | 0   | 0    | 0    | 0   | 0    | 0   | 0   | 0   | 0      |  |
| Other                                   |     |     |     |     |      |      |     |      |     |     |     |        |  |
| 0                                       | 2   | 0   | 0   | 0   | 0    | 0    | 0   | 0    | 0   | 0   | 0   | 2      |  |
| TOTALS                                  |     |     |     |     |      |      |     |      |     |     |     |        |  |
| 10                                      | 6   | 4   | 10  | 14  | 72   | 7    | 2   | 1    | 5   | 2   | 5   | 138    |  |

Note: Hearing statistics do not reflect hearing applications opened in 2003 which will not be heard until 2004.

SURFACE RIGHTS BOARD

2003 APPEALS

|                                                                                    |           |
|------------------------------------------------------------------------------------|-----------|
| Outstanding Appeals Carried Over.....                                              | 7         |
| Appeals Received During 2003.....                                                  | 71        |
| TOTAL APPEALS CARRIED OVER AND RECEIVED DURING 2003 .....                          | 78        |
| <u>LESS:</u>                                                                       |           |
| Abandoned, Settled, Withdrawn or Discontinued in 2003 .....                        | 17        |
| Appeals to Court of Queen's Bench and<br>Alberta Court of Appeal disposed of ..... | 23        |
| SUBTOTAL.....                                                                      | 40        |
| TOTAL APPEALS OUTSTANDING AT 2003 YEAR END .....                                   | <u>77</u> |

LAND COMPENSATION BOARD

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NEW CASES FILED WITH THE BOARD IN 2003:

|                                                                                                                  |           |
|------------------------------------------------------------------------------------------------------------------|-----------|
| Applications for Determination of Compensation<br>(under Section 30 and under the Municipal Government Act)..... | 5         |
| Notices of Motion (Procedural) .....                                                                             | 7         |
| Notices of Motion (Costs & Interest) .....                                                                       | 3         |
| Rehearings.....                                                                                                  | 1         |
| <b>TOTAL</b>                                                                                                     | <b>16</b> |

|                                              |   |
|----------------------------------------------|---|
| LAND COMPENSATION HEARINGS HELD IN 2003..... | 8 |
|----------------------------------------------|---|

|                                   |    |
|-----------------------------------|----|
| BOARD ORDERS ISSUED IN 2003 ..... | 10 |
|-----------------------------------|----|